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Codex

REARRANGING THE DECK CHAIRS ON THE TITANIC

by Scott Tips
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Some observant person once noted “Amateurs built the Ark, professionals built the Titanic.” Well, after attending the recent Codex Alimentarius committee meeting in Bonn, Germany last November, I could see that the professionals were at it again. The beautiful Indian summer weather in Bonn must have lifted their spirits because the professionals spent an energetic week busily greasing the skids to launch their Titanic into the water.

Of course, as you recall, Codex Alimentarius is an international body guided by the World Health Organization and the Food and Agriculture Organization of the United Nations and charged with establishing international trade standards for foods. The food standards that it establishes are backed by the power of the World Trade Organization (WTO), which settles trade disputes between nations by ruling upon complaints and then levying punitive fines upon the offending country. The WTO’s rulings have caused countries, including the United States, to change its domestic laws in order to comply with WTO rulings. Within Codex Alimentarius there are various committees that deal with specific food issues. My focus has been on the Codex Committee on Nutrition and Foods for Special Dietary Uses, which, among other things, has spent several decades inching forward in its efforts to finalize its *Guidelines for Vitamin and Mineral Supplements*. Once completed, however, this document will be the basis by which food-supplement standards will be measured everywhere. And like the Titanic, it is a disaster waiting to happen.

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covered. I was also very ably assisted on the delegation by Tamara Thérèsa Mosegaard of MayDay and Paul Anthony Taylor from the United Kingdom. Together, we did our best to stem the anti-freedom tide; but, unfortunately, the NHF was the *only* consistently pro-health freedom voice at the Codex meeting.

As the country host for the Committee meeting, Germany provided both the location and the chairman. It also provided the most attendees. The chairman again this year was the irrepressible Dr. Rolf Grossklaus, who (presumably under some pressure from his superiors, the "High Command") ran the meeting more efficiently this year than in the previous years of my attendance. It is important to remember that, with almost fifty countries and more than thirty nongovernmental organizations represented, there is no voting at these meetings. Dr. Grossklaus sits at the head table and arbitrates the discussions using a procedure sweetly called "*consensus*." When he decides that the subject has been adequately discussed, *he* then announces what the consensus is and moves on to the next agenda item. Sometimes, rarely actually, there are murmurs of disapproval if Dr. Grossklaus' decision does not track reality; but most often there are no expressions of disagreement. Either way, *consensus* is "reached" and the discussion on the next topic starts.

"What The EU Wants, the EU Gets"

Not surprisingly, in finding consensus, this German chairman consistently and unerringly rules in favor of the representative for the European Union (EU). Time after time, I noticed that the Chairman adopted as the consensus decision the very position taken by the EU representative. When Malaysia wanted to change the title of the Guidelines by deleting the word "food," the EU objected. Dr. Grossklaus agreed with the EU. When South Africa tried to amend the Preamble to the Guidelines to include a statement that vitamins and minerals aid in the prevention of chronic diseases, the EU objected that food and prevention could not go together. Dr. Grossklaus agreed with the EU. When the EU announced that it wanted to make sure that all food supplements (not just vitamins and minerals) would be covered by the Codex restrictions, Dr. Grossklaus agreed to the EU's proposed wording. When the EU decided that the definition of vitamin and mineral food supplements should be modified by tacking on the words "designed to be taken as small unit quantities," Dr. Grossklaus agreed. When the United States, with much support from others, wanted to add wording that vitamins and minerals could be from both natural and synthetic sources, the EU objected and asked that the language be placed in brackets, indicating the language was not approved but must run the gauntlet of approval again next year. Dr. Grossklaus put the language in brackets. When the EU and the United States argued on the same side against retaining the RDA upper limits on vitamins, Dr. Grossklaus found consensus with the EU and United States position. Yet, when the EU objected to the United States' and many other delegates' (including the NHF's) position that the Committee should delete the restrictive wording that "When the maximum levels are set, due account should be taken to the

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supplements" and suggested instead alternative wording that would distinguish the need to *label* the product as a "food supplement" from the actual product *name*, the EU disagreed. Dr. Grossklaus sided with the EU. When the EU and the United States were again at odds over whether or not the amount of vitamins and minerals contained in a product should be disclosed by the inane and useless European bulk-product system of stating so-much weight of a product yields so-many milligrams or micrograms of vitamins and minerals (leaving the hapless consumer to do the math to figure out how much is in each capsule or tablet) or be disclosed by the more direct American way of stating the milligram and microgram quantity of the vitamins and minerals per capsule or tablet, Dr. Grossklaus once again decided in favor of the EU, although he did permit the American suggested wording to remain in the sentence in the brackets that indicate it must be reviewed again next year.

By this point, I was so disgusted with the Chairman's pattern of rubber-stamping as "consensus" the EU representative's opinion, that, when called upon to speak, I told the Chairman that he was just fashioning the Guideline to whatever the EU wanted. "What the EU wants, the EU gets," I told him and the others, adding that there was no consensus at all in favor of the EU position. I was not surprised, though, to find that no other delegation verbally supported me on this. And Dr. Grossklaus, looking down on the group from his judge's chair, brushed aside my remarks with an unimpressive "I reject your comment as untrue." And the charade continued with subsequent EU wording suggestions of course getting Dr. Grossklaus' fair nod.

At one time, unknowingly contradicting what he would later tell me in rejecting my complaint of favoritism, Dr. Grossklaus justified his favoring of the EU by stating that the EU represented 15 countries, as if that faint logic made any sort of difference. Why was Dr. Grossklaus counting countries that joined together into a federal union? What about the fifty states of the United States? What about China with a far greater population than the EU? Or India ? Perhaps, expanding upon Dr. Grossklaus' logic, he should weight his decisions instead in favor of the Chinese or Indian positions since they are the most populous countries of all. But, no, Dr. Grossklaus is a citizen of Germany, a member state of the EU. We know where his sympathies lie, as well as where his instructions must come from.

South Africa Shines

True to her word given at the end of the 2002 Committee meeting, South African delegate Antoinette Booyzen introduced at this most recent meeting certain Preamble and other language in an attempt to avoid the restrictive tone of the Guidelines sought by many other delegates. Her proposed amendment to the Preamble of the Guidelines would have had Codex endorsing people to "select a healthy diet and supplement this diet with those nutrients for which the intake from the diet is insufficient to meet the requirements necessary for the prevention of chronic diseases and/or for the promotion of health beyond the demands of preventing micronutrient

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Responsible Nutrition supported South Africa's proposal. On this occasion as on many others, I repeatedly slugged it out verbally with the EU representative, who claimed to speak for the EU consumer. It was a lonely fight.

Not deterred by the EU, Mrs. Booyzen was more verbal at this year's meeting than the previous one and did not shy away from controversy. Unfortunately, the tag team of the Chairman and the EU representative effectively throttled any progress away from controls and restrictions and the mainstream view that vitamins and minerals are only there to prevent deficiencies.

The Chains Are Loosened

Press releases from supplement-industry organizations have trumpeted the "victory" of the recent session's deletion of Upper Limits on vitamins and minerals based on the insanely low Recommended Daily Allowances (RDAs). In a limited sense the claim of victory is true – Upper Limits based upon RDAs would have been horribly restrictive. But in rushing towards looser restrictions based on the false security of "scientific risk assessment," they are only substituting looser handcuffs for tight ones. Proponents of the "scientific risk assessment" method of establishing safe Upper Limits for vitamins and minerals think that the (expensive) studies that will be done, and that have been done, will show that the limits should be set high, even very high. I sincerely hope that they are right.

Unfortunately, recent events are more supportive of the fears of those of my jaded health-freedom colleagues who note that the EU Scientific Committee on Food has used "scientific risk assessment" to establish ridiculously low upper intake levels for niacin (10 mg.) and for Vitamin B6 (25 mg.). This supports what I have argued for years: Science is not some objective standard these days (if it ever were), it is a tool that can be shaped to support whatever argument or position its users want. If researchers want to argue that Vitamin C is dangerous above a certain level, then they will find or create "scientific" studies that support their position. They have done this in the past, they are doing it now with the EU Scientific Committee on Food, and they are doing it through numerous false studies that are published almost monthly in the common press to frighten consumers away from dietary supplements. So-called scientific risk assessment is a trap.

So, yes, the severe Upper Limits that would have plagued us had the RDAs become the standard are gone; but there are still Upper Limits being set on natural substances that actually do not even require upper limits at all. All of this time, energy, and money is being wasted to set standards that are unnecessary as they are currently being framed. After all, do we set Upper Limits on water, fiber, or food? So while we can all breathe a sigh of relief that we have avoided the electric chair, we should not sing too loudly as we are led into the prison cell that will become our home for the rest of our lives.

The Future

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health and our lives. They are constructing this gr[illegible]ffice of health standards to protect us from what they see as fraud[illegible] and potentially dangerous health supplements. With their pharmaceutical mindset, it is not difficult to perceive how these proponents of control might view vitamins and minerals as dangerous – either to health or to their pocketbooks. Others ascribe an even more sinister motive to these professionals, seeing them as the tools and agents of the pharmaceutical industry that want to hijack the dietary-supplement industry and thereby keep it from ever really competing with the medicines of death that they sell.

Regardless, while we are riding on this voyage of regulatory discovery, it is increasingly apparent that we are all at best simply rearranging the deck chairs on this Titanic. Unless this Behemoth changes course radically, and soon, many lives will be lost. Education, political action, lawsuits, and coordinated efforts by health-freedom lovers are all important. Each of us must do whatever we can to stop the onward rush of this ship to disaster.